

SEC. 10. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates of stock.

SEC. 11. The said company shall have power to use any section or portion of its road before the whole of the same shall be completed, and to charge for transportation of passengers and freight thereon.

Authorized to use part of road before completion of whole.

SEC. 12. The said company shall have the right when necessary to construct their said railroad across any public road or other railroad, or alongside of any public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company, and which has been accepted by the board of county commissioners.

Authorized to build across other roads.

Proviso.

SEC. 13. Whenever, for any cause, the said railroad company cannot agree with the owners of the lands over which their road shall go, for the purchase of land for way and depot purposes, the said company may file petition before the clerk of the superior court of the county wherein the land lies, specifying the object for which the land is desired, with a description and plot thereof. The clerk of the superior court shall thereupon appoint five disinterested free-holders, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days from the time of appointment, and assess the damages for the land taken. In assessing the damages, the appraisers shall take into consideration the actual value of the land, together with any special damage likely to accrue to the owner, and likewise shall consider any special benefit which the owner may derive from the location of the road. If the condemnation shall be for way only, the condemnation shall extend only to the right of way. If the condemnation shall be for depot and building purposes, the condemnation shall be in fee. The said appraisers shall make their report to the clerk of the superior court within ten days from the time of

Condemnation of land.